

**REMARKS**

Claims 15-33 were previously pending in the application. This Amendment amends claims 26 and 32. Claims 15-25, 27-31 and 33 remain unchanged. New claims 34-38 are added. Claims 15, 29, and 35 are independent.

An excess claim fee payment letter is submitted herewith for four (4) excess total claims.

**Allowed Subject Matter:**

Applicants gratefully acknowledge the Office Action's indication that claims 32 and 33 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph.

Applicants respectfully submit that the rejections of claims 32 and 33 under 35 U.S.C. § 112, second paragraph have been overcome for the reasons set forth below. Therefore, claims 32 and 33 are allowable.

**The Drawing Objections**

The drawings are objected to as allegedly failing to show every feature in identified in the drawings. Particularly, the Office Action asserts that the "multiple- articulation hinge" must be shown or the feature(s) canceled from the claim(s).

Applicants respectfully traverse this objection.

The present application very clearly illustrates exemplary embodiments of the claimed multiple-articulate hinge in each of Figures 1-4. For example, Figures 1 and 2 illustrate multiple-articulation hinges 5, 6. Figure 3 is an exploded view of a multiple-articulation hinge. Figure 4 is a partial cutaway view of the multiple-articulation hinge 5, 6 of Figure 3.

Thus, the claimed multiple-articulation hinge very clearly is illustrated in the drawings, and particularly, in each of Figures 1-4.

Applicants respectfully request withdrawal of this objection.

**The Claim Objections**

Claims 32 and 33 are objected to because of informalities.

This Amendment amends claim 32, thereby obviating this objection. No new matter is added.

Applicants respectfully request withdrawal of this objection.

**The Rejections under 35 U.S.C. § 112, first paragraph**

The Office Action rejects claims 15-33 under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. The Office Action asserts that the "multiple-articulation hinge" is not shown in the drawings or described in the specification.

Applicants respectfully traverse this rejection.

M.P.E.P. § 2163.02 sets out the standard for complying with the written description requirement of 35 U.S.C. § 112, first paragraph:

"An objective standard for determining compliance with the written description requirement is, "does the description clearly allow persons of ordinary skill in the art to recognize that he or she invented what is claimed. [...] to satisfy the written description requirement, an applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention, and that the invention, in that context, is whatever is now claimed."

Whenever the issue arises, the fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed. [...] An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention.

Applicants respectfully submit that the original disclosure and figures convey with reasonable clarity to those skilled in the art that the features of claims 15-33 were in possession of the Applicants, as of the filing date. The features of claims 15-33 very clearly are supported by the original disclosure and this rejection should be withdrawn.

As explained above, exemplary embodiments of the claimed multiple-articulate hinge are clearly illustrated in each of Figures 1-4. For example, Figures 1 and 2 illustrate multiple-articulation hinges 5, 6. Figure 3 is an exploded view of a multiple-articulation hinge. Figure 4 is a partial cutaway view of the multiple-articulation hinge 5, 6 of Figure 3.

Moreover, exemplary embodiments of the multiple articulation hinges 5, 6 very clearly are described throughout the specification. See, e.g., paragraphs [005], [006], and [011] - [032].

Thus, the claimed multiple-articulation hinge very clearly is illustrated in the drawings, and particularly, in each of Figures 1-4, and described in the specification, thereby conveying with reasonable clarity to those skilled in the art that the features of claims 15-33 were in possession of the Applicants, as of the filing date.

For at least these reasons, claims 15-33 clearly are supported by the original disclosure, and therefore, certainly comply with the written description requirement.

Applicants respectfully request withdrawal of this rejection.

**The Rejections under 35 U.S.C. § 112, second paragraph**

The Office Action rejects claims 15-28, 32, and 33 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully traverse these rejections.

M.P.E.P. § 2173.02 sets out the standard for complying with 35 U.S.C. § 112, second paragraph:

The essential inquiry pertaining to the requirement under 35 U.S.C. § 112, second paragraph, is 'whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) the content of the particular application disclosure; (B) the teachings of the prior art; and (C) the claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.'

**Claim 15**

With respect to claim 15, the Office Action alleges that the term "cabinet-like" in claim 15 is a relative term which renders the claim indefinite, and that the term "cabinet-like" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Applicants respectfully traverse this rejection.

Applicants respectfully submit that one of ordinary skill in the art would know and understand the meaning of the phrase "a cabinet-like household appliance" as recited in claims 15-28. Thus, claims 15-28 are clear and definite.

The preamble of claim 15 recites a housing for a cabinet-like household appliance. The specification very clearly describes a housing for cabinet-like household appliance, including a body and at least one door, which are connected by means of at least two multiple-articulation hinges which allows the user to align the door position using simple means and without the risk of strain which wears down the hinges. See, e.g., page 2, lines 4-7, paragraph [005].

The term "cabinet" commonly is defined as a case or cupboard usually having doors and shelves. See, e.g., Merriam-Webster's On-Line Dictionary, retrieved May 19, 2009, from <http://www.merriam-webster.com/dictionary/cabinet>.

Applicants respectfully submit that the term "cabinet-like" in claim 15 clearly is defined by the claims, specification, and drawings when properly considered as a whole, thereby providing a standard for ascertaining the requisite degree, and such that one of ordinary skill in the art reasonably would be apprised of the scope of the invention.

For at least these reasons, claim 15 is clear and definite. Applicants respectfully request withdrawal of this rejection.

**Claim 26**

Claim 26 is amended to provide proper antecedent basis, thereby overcoming this rejection. Claim 26 is clear and definite. Applicants respectfully request withdrawal of this rejection.

**Claim 28**

With respect to claim 28, Applicants respectfully traverse this rejection.

Claim 27, from which claim 28 depends, very clearly introduces the feature "a component". Thus, claim 27 provides antecedent basis for the recitation of "the component" in claim 28.

For at least these reasons, claim 28 is clear and definite. Applicants respectfully request withdrawal of this rejection.

**Claim 32**

With respect to claim 32, the Office Action asserts that the term "substantially" in claim 32 is a relative term which renders the claim indefinite. The Office Action takes the position that the term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Applicants respectfully traverse this rejection.

The term "substantially" is often used in conjunction with another term to describe a particular characteristic of the claimed invention. The term "substantially" has been held to be definite in view of the general guidelines contained in the specification if one of ordinary skill in the art would know what was meant by the use of the term. M.P.E.P. § 2173.05(b).

Applicants respectfully submit that the term "substantially" as recited in claim 32 is definite in view of the general guidelines contained in the specification, the specification clearly provides a standard for ascertaining the requisite degree, and one of ordinary skill in the art clearly would know what was meant by the use of the term.

For example, with reference to Figure 3, the specification very clearly describes an angle element 28 having a vertical leg 29 which lies parallel and opposite to the lug 26 and a vertically aligned oblong hole 30 in alignment with the tapped hole 27. A horizontal leg 32 of the angle element 28 has another hole 31 facing the frame 4. The angle element 28 is provided so that the shims 23 can be screwed to the frame 4 using a screw through the hole 31 and holes 33 in alignment therewith.

As shown in Figures 3 and 4, the shims 23 lie on top of the supporting surface 22 and the horizontal leg 32 of the angle element 28. Thus, one of ordinary skill in the art will recognize that the supporting surface 22 is substantially or approximately co-planar with the horizontal leg 32 of the angle element 28, for example, when the shims 23 are supported on these surfaces. Also, a screw 34 is inserted through the oblong hole 30 and into the tapped hole 27. The movement of the screw 34 causes the angle element 28 to be moved slightly with respect to the support element 20. One of ordinary skill in the art clearly would recognize that some movement of the angle element 28 with respect to the support element 20 is possible. Thus, claim 32 very clearly defines an angled element having a vertical leg disposed adjacent the lug and a

horizontal leg being disposed substantially (e.g., approximately) co-planar with the support surface.

Claim 32 is clear and definite in view of the general guidelines contained in the specification. Moreover, the specification clearly provides a standard for ascertaining the requisite degree and one of ordinary skill in the art clearly would know what was meant by the use of the term.

Applicants respectfully request withdrawal of these rejections.

### **The Claimed Invention**

An exemplary embodiment of the claimed invention, as recited by, for example, independent claim 15, is directed to a housing for a cabinet-like household appliance, comprising a body and at least one door, which is connected to the body in a manner that enables it to swivel due to the provision of at least one first and one second multiple-articulation hinge, wherein the door is supported on an upper supporting surface of the first multiple-articulation hinge and a lower supporting surface of the second multiple-articulation hinge by means of at least one shim inserted between the door and at least one of the supporting surfaces.

Another exemplary embodiment of the claimed invention, as recited by, for example, independent claim 29, is directed to a refrigerator comprising a housing including a body and a door, first and second multiple-articulation hinges coupling the door to the body in a manner that enables the door to swivel, wherein the door is supported with an upper supporting surface of the first multiple-articulation hinge and a lower supporting surface of the second multiple-articulation hinge, and at least one shim removably inserted between the door and one of the supporting surfaces permitting the door to be adjusted in a vertical direction with respect to the body.

In conventional built-in refrigeration devices, the door that is fitted to the appliance at the manufacturer can be concealed in the built-in appliance behind a

furniture panel which swivels when opening and closing the door. In order to deliver an aesthetically satisfactory appearance, the edges of this furniture panel must be aligned exactly to those of adjacent cabinet doors. For this purpose, the furniture panel and the door of the refrigeration device are displaceably coupled to one another so that the furniture panel can be aligned to neighbouring cabinet doors. In this case, precise adjustability of the refrigeration device door is not necessary, since the furniture panel can be adjusted with respect to the door. This is similar to the device of the Lanzani reference, which is applied by the Office Action in the rejections below.

In contrast, other conventional built-in household appliances include a body and a door, in which the door that is supplied by the appliance manufacturer is provided to remain visible and uncovered in the built-in position of the refrigeration device. At least one door must be adjustable with respect to the body to align its edges so that they are flush with those of another door. In this case, the door of the appliance needs to be adjustable in relation to the body, which is in stark contrast to the previously described conventional device and the device disclosed in the applied Lanzani reference in which the furniture panel is adjustable with respect to the door.

In providing adjustability between the door and the body, the door can be attached to the body of the appliance using multiple-articulation hinges to prevent a side of the door close to the hinge from hitting against an adjacent wall of the furniture compartment. However, if the fixing points of these hinges are not exactly matched to one another on the body and on the door of the appliance, the arrangement of body, hinges and door can be exposed to internal stresses causing the axes of the hinges to be deflected from an exactly parallel orientation, thereby causing a precessional movement during opening and closing of the door, and ultimately shortening the lifetime of the hinges.

In stark contrast to these conventional devices, the present invention provides multiple-articulation hinges coupling the door to the body in a manner



that enables the door to swivel, wherein the door is supported with an upper supporting surface of the first multiple-articulation hinge and a lower supporting surface of the second multiple-articulation hinge, and at least one shim removably inserted between the door and one of the supporting surfaces permitting the door to be adjusted in a vertical direction with respect to the body.

In this manner, the present invention provides a housing for a cabinet-like household appliance having multiple-articulation hinges that allow the user to vertically align the door position with respect to the body simply and without the risk of strain which wears down the multiple-articulation hinges. Other exemplary embodiments also allow the user to align the door position with respect to the body in a horizontal direction as well as in forward and backward directions with respect to the face of the door in a simple manner and without the risk of strain on the multiple-articulation hinges.

#### **The Rejections under 35 U.S.C. § 103**

In the Office Action, claims 15-19, 21, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Lanzani reference (US 5,471,709) in view of the Mansfeld reference (GB 708,367). Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Lanzani reference and the Mansfeld reference, in view of the Richardson et al. reference (US 5,113,628). Claims 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Lanzani reference and the Mansfeld reference, in view of the Prunty reference (US patent 5,788,351).

Applicants respectfully traverse these rejections.

Applicants respectfully submit that none of the applied references discloses or suggests the features of the claimed invention including a housing for a cabinet-like household appliance, comprising a body and at least one door, which is connected to the body in a manner that enables it to swivel due to the provision of at least one first and one second multiple-articulation hinge, wherein

the door is supported on an upper supporting surface of the first multiple-articulation hinge and a lower supporting surface of the second multiple-articulation hinge by means of at least one shim inserted between the door and at least one of the supporting surfaces, as recited in claim 15.

Somewhat similarly, none of the applied references discloses or suggests the features of the claimed invention including a refrigerator comprising a housing including a body and a door, first and second multiple-articulation hinges coupling the door to the body in a manner that enables the door to swivel, wherein the door is supported with an upper supporting surface of the first multiple-articulation hinge and a lower supporting surface of the second multiple-articulation hinge, and at least one shim removably inserted between the door and one of the supporting surfaces permitting the door to be adjusted in a vertical direction with respect to the body, as recited in claim 29.

As explained above, these features are important for providing a housing for a cabinet-like household appliance having multiple-articulation hinges that allow the user to vertically align the door position with respect to the body simply and without the risk of strain which wears down the multiple-articulation hinges. Other exemplary embodiments, as recited in the dependent claims, also allow the user to align the door position with respect to the body in a horizontal direction as well as in forward and backward directions with respect to the face of the door in a simple manner and without the risk of strain on the multiple-articulation hinges.

The Lanzani reference very clearly does not teach or suggest these features. Indeed, the Lanzani reference absolutely nothing to do with adjusting the door with respect to the body of the appliance.

Instead, as clearly shown in Figures 1-3, the Lanzani reference relates to a hinge that adjusts the position of the facing panel 7 with respect to the door 6, not the door 6 with respect to the body 4. The Lanzani reference clearly states that the hinge permits rapid and simple adjustment of the position of the panel

with respect to the refrigerator door when the panel is attached to the door. See, e.g., col. 2, lines 21-24.

As clearly shown in Figures 1 and 2, the Lanzani reference does not provide any adjustability between the door 6 or supporting member 2 and the front 3 of the refrigerator body 4. See, e.g., col. 2, lines 55-62.

Thus, the Lanzani reference has absolutely nothing to do with adjusting the door 6 with respect to the body 4 of the refrigerator, as claimed.

In stark contrast, the present invention provides a housing in which the door of the appliance is adjustable in relation to the body. Again, this is in stark contrast to the device disclosed in the Lanzani reference in which the furniture panel 7 is adjustable with respect to the door 6.

The Mansfeld reference does not remedy the deficiencies of the Lanzani reference.

The Office Action acknowledges that the Lanzani reference does not disclose using a shim to space the door from the hinge. The Office Action asserts that the Mansfeld reference teaches at least one shim inserted (11) between the door and at least one of the supporting surfaces, and therefore, takes the position that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the hinges of Lanzani to include shims as taught by Mansfeld, since it would have allowed for vertical adjustment of the door.

Contrary to the assertion in the Office Action, Applicants respectfully submit that inserting shims between the door and the hinge in the Lanzani reference very clearly would not provide vertical adjustability between the door and the hinge. Instead, as shown in Figures 2, 4, and 6 of the Lanzani reference, which are views from above the hinge, the alleged insertion of shims between the door and the hinge very clearly would result in adjustment of the door in a forward direction with respect to the front face of the body, not in a vertical direction.

In stark contrast, the claimed invention provides at least one shim removably inserted between the door and one of the supporting surfaces permitting the door to be adjusted in a vertical direction with respect to the body, as recited for example in claim 29.

As explained above, these features are important for providing a housing for a cabinet-like household appliance having multiple-articulation hinges that allow the user to vertically align the door position with respect to the body simply and without the risk of strain which wears down the multiple-articulation hinges. Other exemplary embodiments, as recited in the dependent claims, also allow the user to align the door position with respect to the body in a horizontal direction as well as in forward and backward directions with respect to the face of the door in a simple manner and without the risk of strain on the multiple-articulation hinges.

The Richardson et al. reference and the Prunty reference also do not remedy the deficiencies of the Lanzani reference and the Mansfeld reference. Indeed, the Richardson et al. reference and the Prunty reference are not relied upon for these features.

Moreover, the Richardson et al. reference has absolutely nothing to do with vertically adjusting the door with respect to the body, as claimed. Instead, the Richardson et al reference relates to a railless refrigerator door that does not require mechanical fasteners to hold the structure together.

For at least these reasons, none of the applied references discloses or suggests the subject matter defined by independent claims 15 and 29.

Applicants respectfully request withdrawal of these rejections.

**CONCLUSION**

In view of the above, entry of the present Amendment and allowance of claims 15-38 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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